THE HON'BLE SMT JUSTICE T.MEENA KUMARI

&

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO.18084 OF 2006

Dated: 06.07.2007

Between:

K. Shyam

..Petitioner

And

1. The Administrator cum Chief Engineer
   and others.

.. Respondents.

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO.18084 OF 2006

ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

This is a writ petition filed by the petitioner challenging the order, dated 21.7.2006 passed in O.A.No.8586 of 2005 by the A.P. Administrative Tribunal.

The petitioner herein is the 4th respondent and the 4th respondent herein is the applicant before the Tribunal.

Originally, the above O.A. was filed by the 4th respondent-applicant seeking to declare the action of the 2nd respondent in not appointing the applicant as Lab-Boy even though he secured more marks than the petitioner-4th respondent in his Matriculation and also to declare the appointment of the petitioner-4th respondent in impugned proceedings No.SE/ES.II/I & QCC/HNK/1449, dated 8.12.2005 of the 2nd respondent, as illegal and arbitrary and consequently, to set aside the impugned proceedings dated 8.12.2005 of the 2nd respondent and further direct the official respondents to appoint the 4th respondent-applicant as Lab Boy as per his merit and eligibility from the date of appointment of the petitioner-4th respondent with all other benefits.

The Tribunal having observed that the 4th respondent-applicant has secured more marks than the petitioner-4th respondent in the qualifying examination and in terms of the above adhoc rules, the 4th respondent-applicant is entitled to be appointed to the post of Lab Boy,

allowed the O.A. Having aggrieved by the same, the present writ petition is filed by the petitioner-4th respondent.

Heard the learned Counsel for the petitioner as well as the learned Government Pleader for Services and also P. Amarnath, learned Counsel appearing for the 4th respondent herein.

It is stated by the learned Counsel for the petitioner that pursuant to the order of the Tribunal, the petitioner has been removed from service, but however, the official respondents have not complied with further direction issued by the Tribunal to absorb the petitioner herein, if there is any vacancy, after appointment of the 4th respondent-applicant. It is also stated that there is vacancy of Junior Assistant in Zone 5 and in compliance of the orders of the Tribunal, the official respondents have to absorb the petitioner in the said vacancy and in this regard, the Superintending Engineer, I&QC Circle, K.C. Colony, Hanamkonda has written a letter to the Administrator-cum-Chief Engineer, SRS Project, M.J. Road, Hyderabad and the same is pending consideration.

Under the above circumstances, it would suffice if the petitioner is given liberty to make a representation to the respondents to consider his case in the existing vacancy in Zone 5 or 6 in S.C. cadre, within a period of three weeks from today and the same shall be considered in accordance with law.

Accordingly, the writ petition is disposed of. No order as to costs.

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Justice T. Meena Kumari

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Justice G.Chandraiah

Date: 06.07.2007

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THE HON'BLE SMT. JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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WRIT PETITION NO.18084 OF 2006

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

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Dated: 06.07.2007